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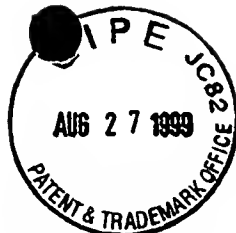
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DAC

Attorney Docket No. 47513 (1106)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: P. Jones

EXAMINER: T. Nguyen

U.S.S.N.: 09/094,052

GROUP: 2872

FILED: June 9, 1998

FOR: METHODS FOR REFLECTION REDUCTION

**RECEIVED**

Assistant Commissioner for Patents  
Washington, D.C. 20231

SEP 02 1999

TECHNOLOGY CENTER 2800

**Attention: Director of Group 2800**

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on August 19, 1999.

By:

Deborah A. Barfield

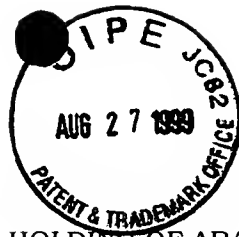
Deborah A. Barfield

**PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT-  
UNDER 37 C.F.R.1.181**

Sir:

This is a Petition under Rule 1.181 for withdrawal of the Examiner's holding of abandonment in the above captioned matter on the grounds or basis that a response to the below described Office communication from the U.S. Patent and Trademark Office (USPTO) forming the basis of the abandonment (i.e., Failure to respond to the Office letter, mailed January 5, 1999) was filed by Applicants' representative in the U.S. Patent and Trademark Office (USPTO) on July 5, 1999.

9/8/99  
BMB



P. Jones  
U.S.S.N. 09/094,052  
PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
Page 2

### **STATEMENT OF FACTS**

1. A Notice of Abandonment was received August 9, 1999, and provided that the application was abandoned in view of "Applicants' [sic.] failure to respond to the Office letter, mailed January 5, 1999." A copy of the Notice of Abandonment is enclosed herewith and marked "A".

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SEP 02 1999

2. I hereby state that a response to the Office letter mailed January 5, 1999 was mailed to the U.S. Patent and Trademark Office (USPTO) on July 5, 1999, with a Certificate of Mailing dated July 5, 1999, copies of which are enclosed and herewith marked "B1".

TECHNOLOGY CENTER 2800

3. I hereby state that a search of the file jacket for the subject application in the offices of Dike, Bronstein, Roberts & Cushman, LLP includes a postcard indicating receipt by the U.S. Patent and Trademark Office (USPTO) on July 9, 1999, of the response to the Office communication. A copy of the postcard is enclosed herewith and marked "B2".

### **RELIEF REQUESTED**

Applicants respectfully request the Commissioner, based on the following arguments and the foregoing facts and statements, to withdraw the holding of abandonment and to reconsider the Amendment which was mailed on July 5, 1999, and received in the USPTO on July 9, 1999.

**ARGUMENT**

The within petition and the related enclosures are being filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, the within petition is considered to be timely filed [37 C.F.R. 1.181(f)].

In the instant case, Applicants have included the required statements by the practitioner<sup>1</sup>, which establish timely filing of a response to the Office letter dated January 5, 1999, as well as any other documents mailed therewith.

In sum, Applicants did file a response to the Office letter dated January 5, 1999, within the statutory time period that formed the basis of the abandonment of the subject application. Thus, the abandonment of the subject application appears to be a result of an error by the Patent Office.

**REQUIRED FEE**

There is no fee required for the submission of a Petition under Rule 181. Moreover, a fee is not believed to be required for the consideration of the within Petition because the petition addresses an error of the Patent Office. However, if for any reason a fee is required for consideration of the within Petition, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. **04-1105**.

P. Jones  
U.S.S.N. 09/094,052  
PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
Page 4

**ADDITIONAL INFORMATION**

If the USPTO requires any further information or requires any further clarification regarding the above, then Applicants respectfully request that the undersigned be called collect at the below listed number.

---

<sup>1</sup> See Statement of Facts, paragraphs 2-3.

**ALTERNATIVE PLEADING**

In the event that the USPTO considers that the within Petition is not proper and/or that a Petition under 37 C.F.R. § 1.137 should have been filed by Applicants requesting revival of the subject application, then the within Petition shall also be considered a conditional petition under 37 C.F.R. § 1.137(a) requesting revival of an application because of an unavoidable delay based on the foregoing facts and arguments. If such a Petition is required, then the Commissioner is hereby authorized and requested to charge Deposit Account No. **04-1105** for the required fee [37 C.F.R. 1.17(l)].

Respectfully submitted,

DIKE, BRONSTEIN, ROBERTS  
& CUSHMAN, LLP

Date: Aug 18, 1999

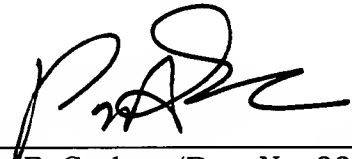
By:   
Peter F. Corless (Reg. No. 33,860)  
Dike, Bronstein, Roberts  
& Cushman, LLP  
130 Water Street  
Boston, MA 02109  
(617) 523-3400

photo  
4/15/98  
(1104)



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/094,052	08/09/98	JONES	P 47513

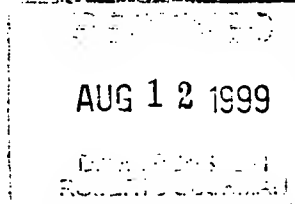
PETER F CORLESS  
DIKE BRONSTEIN ROBERTS & CUSHMAN  
130 WATER ST  
BOSTON MA 02109

MM42/0809

EXAMINER

NGUYEN, T

ART UNIT PAPER NUMBER



2872  
DATE MAILED: 08/09/99

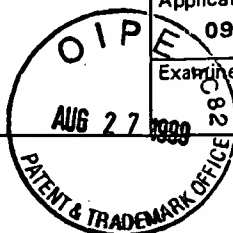
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

~~10/1~~ A

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# Notice of Abandonment



Application No.  
09/094,052

Applicant(s)

Peter W.J. Jones

Examiner

Thong Q. Nguyen

Group Art Unit

2872

This application is abandoned in view of:

☒ applicant's failure to timely file a proper response to the Office letter mailed on Jan 5, 1999.

☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.

☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC)).

☒ No response has been received.

☐ applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.

☐ The submitted issue fee of \$ \_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_.

☐ The issue fee has not been received.

☐ applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.

☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.

☐ No proposed new formal drawings have been received.

☐ the express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.

☐ the letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

☐ the letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

☐ the decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.

☐ the reason(s) below:

Thong Nguyen  
Primary Examiner

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Mailing Date: June 17, 1999  
Client: Tenebraex (1106)  
Inventors: P. Jones  
Serial No.: 09/094,052  
Filing Date: Ju 17 5, 1998

Attorney/Sec: PFC/dm1  
Docket No.: 47513  
Patent No.:  
Grant Date:

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of:

Amendment Transmittal; Response to Office Action; and  
check in the amount of \$435.00 to cover the fee for  
a three month extension of time.

Due Date: July 5, 1999 with a 3 Mo. Ext. of Time.

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06/17/99  
10425

COMMISSIONER OF PATENTS

DIKE, BRONSTEIN, ROBERTS & CUSHMAN, LLP  
CHECK NO.: 65722

DATE	INVOICE NUMBER	ACCOUNT#	DESCRIPTION	MATTER #	AMOUNT
06-17-99	1106.47513/99		217	01106-47513	435.00
TOTAL:					435.00



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U.S. PATENT NO. 5538290; 5575508; 5641183; 5785353

THIS CHECK IS VOID WITHOUT A BLUE & GREEN BACKGROUND AND AN ARTIFICIAL WATERMARK CERTIFICATION SEAL ON THE BACK - HOLD AT ANGLE TO VIEW SEAL

DIKE, BRONSTEIN, ROBERTS & CUSHMAN, LLP  
130 WATER STREET  
BOSTON, MA 02109-4280

PAY FOUR HUNDRED THIRTY-FIVE AND 00/100 DOLLARS  
STATE STREET BANK

TO THE ORDER OF COMMISSIONER OF PATENTS

CHECK NO.: 65722  
52 21  
110

DATE	06/17/99
NET AMOUNT	\$435.00

⑈65722⑈ ⑆0011000028⑆ 1901 302 8⑈

*[Signature]*

REPRODUCTION OF A MICROWAVE BACKGROUND - BORDER CONTAINS MICROPRINTING

Practitioner's Dock t No. 47513



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jones

Application No.: 09/094,052

Group No.: 2872

Filed: June 9, 1998

Examiner: T. Nguyen

For: METHODS OF REFLECTION REDUCTION

Assistant Commissioner for Patents  
Washington, D.C. 20231

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is

- ☒ a small entity. A statement:  
☐ is attached.  
☒ was already filed.  
☐ other than a small entity.

RECEIVED

SEP 02 1999

TECHNOLOGY CENTER 2800

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: July 5, 1999

Signature

Barbara Ann Shea

(type or print name of person certifying)

(Amendment Transmittal [9-19]—page 1 of 4)

### EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).*

NOTE: See 37 C.F.R. § 1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☒ Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$ 190.00
<input checked="" type="checkbox"/> three months	\$ 870.00	\$ 435.00
<input type="checkbox"/> four months	\$ 1,360.00	\$ 680.00

Fee: \$ 435.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 435.00

OR

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	ADDIT. RATE FEE	ADDIT. RATE FEE
TOTAL	MINUS	=	x\$9 = \$	x\$18 = \$
INDEP.	MINUS	=	x\$39 = \$	x\$78 = \$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+ \$130 = \$	+ \$260 = \$
			TOTAL ADDIT. FEE \$	OR TOTAL ADDIT. FEE \$

\* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (§ 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 C.F.R. § 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

(c) ☒ No additional fee for claims is required.

**OR**

(d) ☐ Total additional fee for claims required \$ \_\_\_\_\_

## FEE PAYMENT

5. ☒ Attached is a check in the sum of \$ 435.00

☐ Charge Account No. \_\_\_\_\_ the sum  
of \$ \_\_\_\_\_

A duplicate of this transmittal is attached.

## FEE DEFICIENCY

**NOTE:** If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. ☒ If any additional extension and/or fee is required, charge Account No. 04-1105

## AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 04-1105

Reg. No.: 33,860

Tel. No.: ( 617 ) 523-3400

Customer No.:

  
SIGNATURE OF PRACTITIONER

Peter F. Corless

(type or print name of practitioner)

Dike, Bronstein, Roberts & Cushman, LLP

130 Water Street

P.O. Address

Boston, MA 02109